THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17011 of 2005

Between:

Ch.Nagapurna Chandraraju and others

.. Petitioners

and

District Collector, Eluru and others

.. Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17011 of 2005

O R D E R:

This writ petition is filed to declare the action of the respondents in directing the petitioners to remove their houses, which were assigned to them by the fourth respondent-Mandal Revenue Officer, Eluru, through his order dated 27.05.1996, as illegal and arbitrary and contrary to the provisions of the A.P. Municipalities Act and to direct the respondents not to dispossess the petitioners from their respective houses without following due process of law.

The case of the petitioners is that as per the assignment proceedings dated 27.05.1995, they occupied their respective sites after paying the entire consideration. Thereafter, they constructed houses on their respective sites. While so, on 27.07.2005, respondents 2 to 5 visited the houses of the petitioners and directed them to vacate the same. They further threatened them that they would demolish the houses. The further case of the petitioners is that without issuing any prior notice to them, the respondents are trying to demolish their houses and the same is contrary to the provisions of the A.P. Municipalities Act. Hence, this writ petition.

Heard both the counsel.

The grievance of the petitioners is that respondents 2 to 5 visited their houses and directed them to vacate the same without issuing any prior notice.

In this view of the matter, without expressing any opinion on merits, I deem it appropriate to direct the respondents to proceed against the petitioners only after issuing notice and after following due process of law.

With the above said direction, the writ petition is disposed of at the stage of admission. There shall be no order as to costs.

_____

02.08.2005

kdl